

MEMORANDUM

January 29, 1970

TO: Boston Redevelopment Authority
FROM: John D. Warner, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Re: Petition No. Z-1744
West End House, Inc.
105 Allston Street, Brighton

Petitioner seeks a variance to erect a two story Boy's Club in a Residential (R-.5) district. The proposal would violate the code as follows:

Req'd. Proposed

Sect. 8-7 A Boy's Club within an R-.5 district
requires a Board of Appeal hearing

Sect. 23-2 Off-street parking is insufficient 40 spaces 7 spaces

The property, located on Allston Street between Long Avenue and Glenville Avenue, contains 80,000 square feet of vacant land (steep ledge). The site was formerly part of the Stanley A. Ringer Playground. The proposed boys' facility would contain a swimming pool, gymnasium, meeting and game rooms. The proposal is a desirable use and would have a beneficial effect on the surrounding residential neighborhood. Recommend approval.

VOTED: That in connection with Petition No. Z-1744, brought by West End House, Inc., 105 Allston Street, Brighton, for a variance of insufficient off-street parking to erect a two story Boys' Club in a Residential (R-.5) district, the Boston Redevelopment Authority recommends approval. The proposed Boys' Club facility is a desirable use and would have a beneficial effect on the surrounding residential neighborhood.

Z-1744
105 ALLSTON ST.
(BRI.)

STANLEY A. RINGER

PLAYGROUND

530,874

530,874

A. RINGER
PLAYGROUND

ALLSTON

LONG AVENUE

GREYLOCK

ALLSTON SQUARE

GRIGGS

WEBLEY STREET

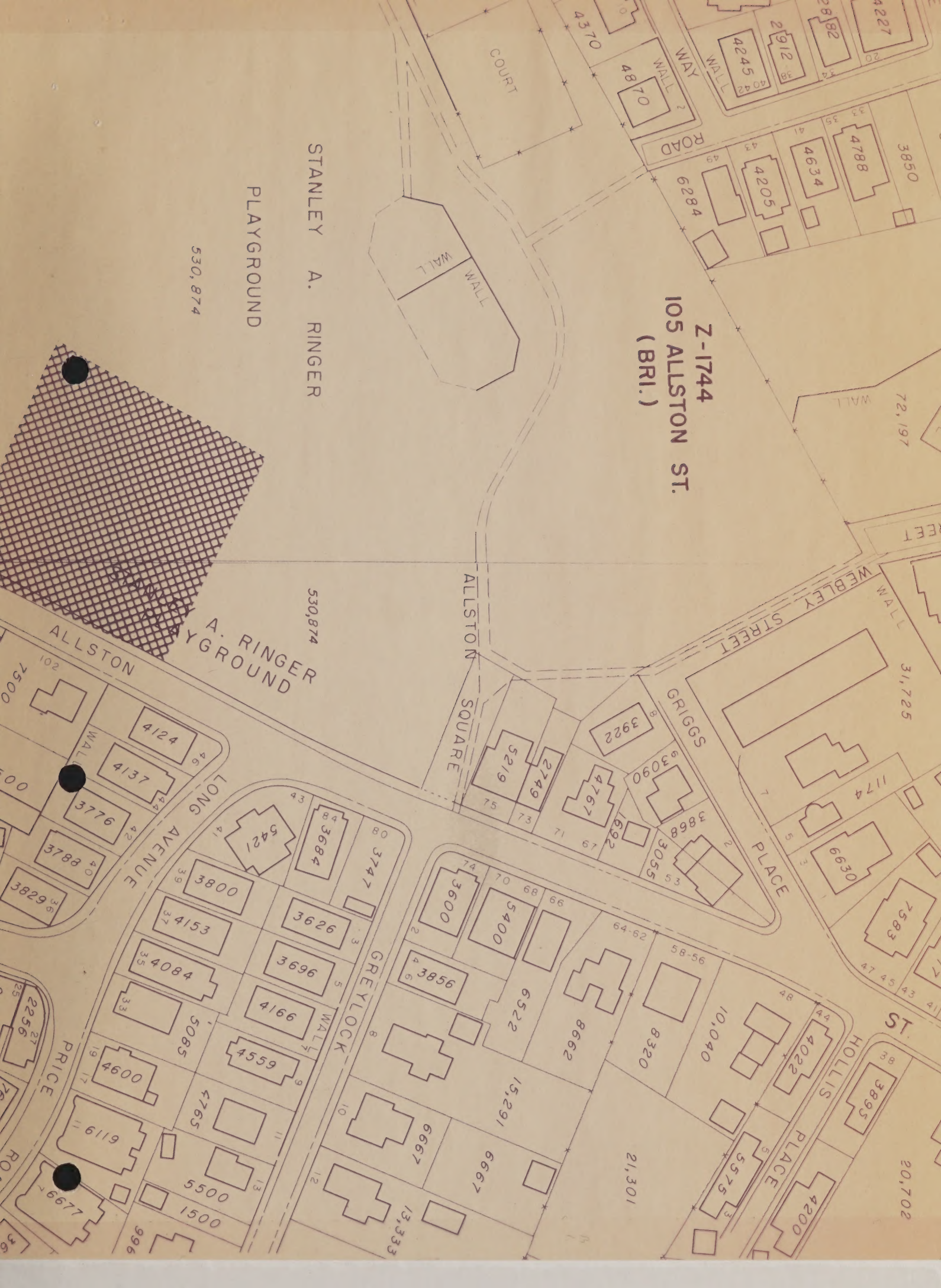
PLACE

HOLLIS

PLACE

ST

PRICE



Re: Petition No. Z-1745
Jos-Otolo-Orleans Packing Co.
130-132 Everett Street, East Boston

Petitioner seeks a Forbidden Use Permit and three variances to erect a one story warehouse addition to a pickle and olive packing structure in an Apartment (H-1) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7	An industrial use is Forbidden in an H-1 district. The extension exceeds 25% of the area of the existing structure.		
Sect. 18-1	Front yard is not provided	25 ft.	0
Sect. 19-1	Side yard is not provided	20 ft.	0
Sect. 20-1	Rear yard is not provided	25 ft.	0

The property, located on Everett Street between Cottage and Lamson Streets, contains a three story brick structure. The proposal is undesirable and inappropriate. The immediate neighborhood is basically residential. The proposed extension of this non-conforming use would represent a further encroachment on this residential neighborhood and would tend to contribute toward a decline in its residential character. Recommend denial.

VOTED: That in connection with Petition No. Z-1745, brought by Jos-Otolo-Orleans Packing Co., 130-132 Everett Street, East Boston, for a Forbidden Use Permit and variances of insufficient front yard, side yard and rear yard to erect a one story warehouse addition to a pickle and olive packing structure in an Apartment (H-1) district, the Boston Redevelopment Authority recommends denial. The proposed extension of this non-conforming use would represent a further encroachment on this residential neighborhood and would tend to contribute toward a decline in its residential character.

Z-1745
130-132 EVERETT. ST
(E.B.)

Petitions Nos. Z-1748 - 1748a
Exeter International Corporation
960 Centre Street, Jamaica Plain

Petitioner seeks two forbidden use permits and a variance for a change of occupancy from a one family dwelling to an office building and for a change of occupancy from a barn to offices and one apartment in a Single Family (S-.3) District. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Prop.</u>
Section 8-7. Office buildings are forbidden in an S-.3 District		
Section 19-1. Side yard is insufficient	15 ft.	5 ft.

The property, located on Centre Street near the intersection of the Arborway, contains two 2½ story frame structures. The petitioner proposes to utilize the structures for a financial consulting firm. The proposal is incongruous. The general neighborhood surrounding the petitioner's property is predominantly single family. The proposed commercial intrusion would be inconsistent with and would have an injurious affect on the residential character of the neighborhood. Recommend denial.

VOTED: That in connection with Petitions Nos. 1748-1748a, brought by Exeter International Corporation, 960 Centre Street, Jamaica Plain, for two forbidden use permits and a variance of insufficient side yard for a change of occupancy from a single family dwelling to an office building and for a change of occupancy from a barn to offices and one apartment in a Single Family (S-.3) District, the Boston Redevelopment Authority recommends denial. The general neighborhood surrounding the petitioner's property is predominantly single family. The proposed financial consulting firm is inconsistent with and would have an injurious affect on the residential character of the neighborhood.

Z-1748-48A
960 CENTRE ST
(J.P.)



ADAMS NERVINE
HOSPITAL

ADAMS
HOUSE

7095

ARNOLD

CENTRE

STREET

ROAD

MONASTERY
OF SAINT CLAIRE

7178

925

2480

48

55

515

6523

18

10,561

10,625

6750

6750

935

6149

6430

6570

6570

6570

6570

5902

6840

7800

1

314 H-5A

Re: Petition No. Z-1742
Max Wasserman
141 Tremont Street, Boston

Petitioner seeks four variances to erect a 12 story office building in a General Business (B-10) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 15-1	Floor area ratio is excessive	12	13.2
Sect. 20-1	Rear yard is insufficient	12.8	0
Sect. 21-2	Setback of parapet is insufficient	29.21	0
Sect. 24-1	Off-street loading is insufficient	3 bays	0

The property, located on Tremont Street at the intersection of Temple Place, contains 5409 square feet of land presently utilized as a parking lot. The site is bounded by the R.H. Stearns across Temple Place and the S.S. Pierce building. The petitioner proposes to erect a 12 story fireproof air conditioned office building of steel frame construction with walls of limestone, masonry and glass. The building would contain a gross floor area of 71,200 square feet. The proposed building would be harmonious with surrounding commercial facilities and would further enhance the appearance of the Tremont Street area. Recommend approval.

VOTED: That in connection with Petition No. Z-1742, brought by Max Wasserman, 141 Tremont Street, Boston, for variances of excessive floor area ratio, insufficient rear yard, setback of parapet and off-street loading to erect a 12 story office building in a General Business (B-10) district, the Boston Redevelopment Authority recommends approval. The proposed fireproof structure would be harmonious with surrounding commercial structures and would further enhance the appearance of the Tremont Street area.



GRANARY
BURIAL
GROUND
(CEM)

PARK

PARK ST. PL.

STREET

WALL

BOSWORTH

BROMFIELD

WESLEYAN

HAMILTON

PL.

LOEW'S
ORPHEUM
THEATRE

MUSIC HALL PL.

STREET

WASHINGTON

PLACE

TREMONT

WEST

ST.

Z-1742

141 TREMONT ST.

(B.P.)

UMENT

PARK STREET
M.B.T.A
STA. A

WINTER

WINTER PL.

JACKSON

PLACE

TEMPLE

ST. PAUL'S
CATHEDRAL
(EPISCOPAL)

MOUNTAIN

Re: Petition No. Z-1754
Gustin Realty Corp.
967-969 Commonwealth Ave., Boston

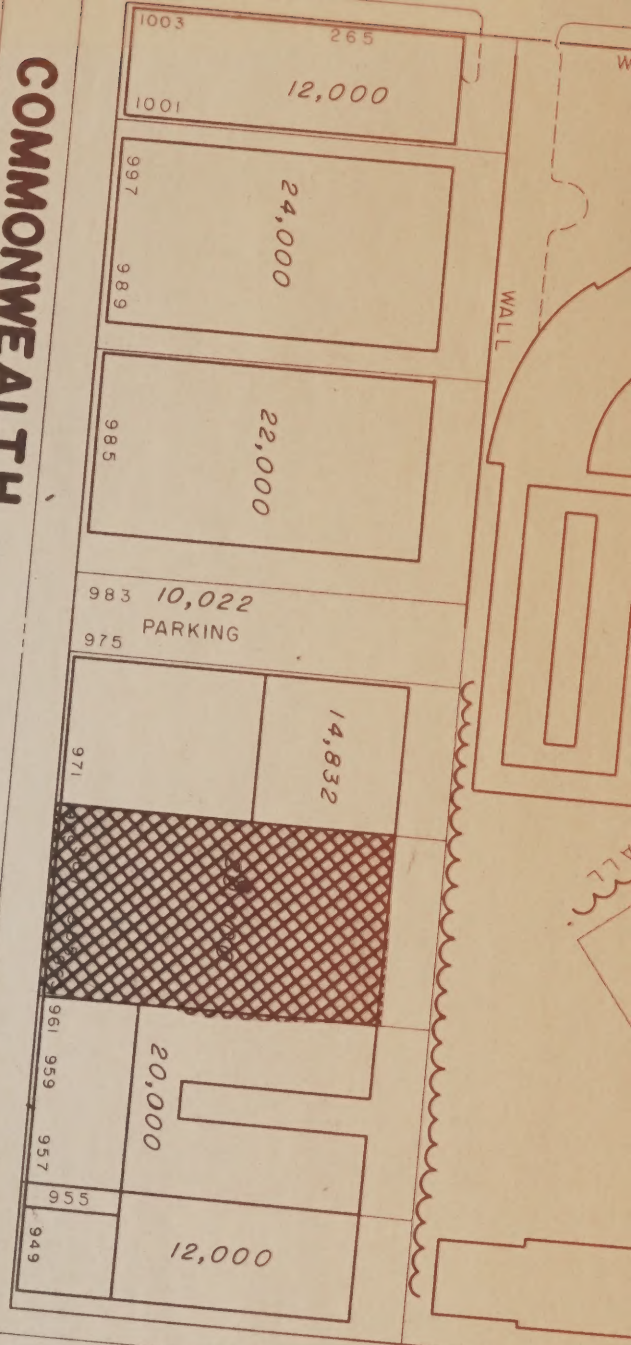
Petitioner seeks a Conditional Use Permit and a variance for a change of occupancy from a hall to a private club in a General Business (B-2) and an Industrial (I-2) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7 A private club is a Conditional Use in an I-2 district		
Sect. 23-2 Off-street parking is not provided	95 spaces	0

The property, located on Commonwealth Avenue between Gaffney and Babcock Streets near Boston University field, contains a one story masonry structure. There is no objection to the club use which is now existing. The lack of off-street parking facilities in this area would only intensify the existing acute traffic conditions. The petitioner should provide the required off-street parking by making provision for leasing or buying nearby parking facilities. Recommend approval provided off-street parking is supplied.

VOTED: That in connection with Petition No. Z-1754, brought by Gustin Realty Corp., 967-969 Commonwealth Ave., Allston, for a Conditional Use Permit and a variance of off-street parking not provided, the Boston Redevelopment Authority recommends approval provided the required off-street parking facilities are supplied. The lack of off-street parking in this area would only intensify the existing acute traffic conditions. The petitioner should provide the required off-street parking on nearby parking facilities.

COMMONWEALTH



GAFFNEY

AVE.

CITY OF BOSTON
TOWN OF BROOKLINE

PARKING

Z-1754
967-969 COMMONWEALTH
(BRI.)

AVE.

PARKING

MEMORANDUM

TO: Boston Redevelopment Authority
FROM: John D. Warner, Director
SUBJECT: Zoning Commission

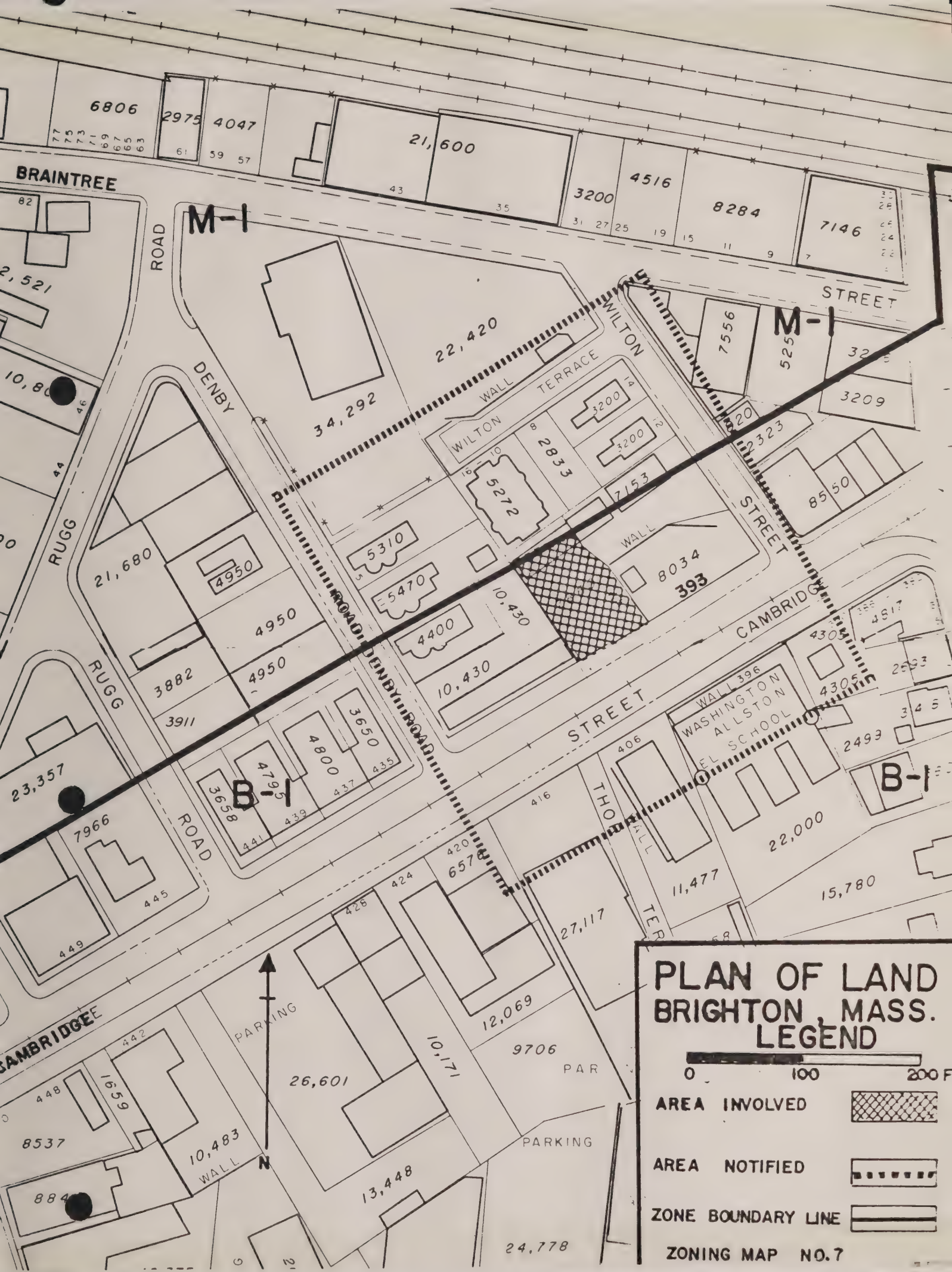
Re: Map Amendment Application No. 98
Evelyn Realty Trust
415 Cambridge St., Brighton

The petitioner seeks to change approximately 6380 square feet of land from a B-1 (Business) District to an M-1 (Manufacturing) District. The petitioner owns a parcel totaling 7860 square feet facing on Cambridge Street, which is zoned B-1 to a depth of 100 feet. The rear of the parcel, less than 20%, is in an abutting M-1 District. Despite the M-1 District at the rear of the property, the abutting buildings to the rear are residential. The abutting buildings on Cambridge Street consist of a group of small stores on one side and a gas station on the other side; the abutting uses are allowed or conditional in a B District.

An auto body shop has been operating on the parcel under consideration for a number of years and appears to be, in fact, a pre-existing non-conforming use. However, no legal use is recorded in Building Department records. The Assessor's records list the building as a garage. The petitioner wishes to continue the present use. The problem is, therefore, one of legalizing a pre-existing use.

In view of the business nature of the abutting properties on Cambridge Street and the residential nature of abutting properties to the rear the staff of the Boston Redevelopment Authority feels that a map amendment for this small parcel is not justified. The zoning districts in this area are an imperfect reflection of mixed residential, industrial and business uses which are not conducive to a cohesive community. Rezoning could encourage a sounder pattern of land uses, but the present petition only contributes to the confused pattern. A more appropriate approach to the present matter would be a conditional use permit or a legalization of a pre-existing use from the Board of Appeal.

VOTED: That in connection with Map Amendment Application No. 98, brought by Evelyn Realty Trust, to change approximately 6380 square feet of land at 415 Cambridge Street, Brighton, from a B-1 (Business) District to an M-1 (Manufacturing) District, the Boston Redevelopment Authority recommends denial. The abutting uses on Cambridge Street are commercial in nature; the abutting uses to the rear of the property are now residential, despite M-1 classification. Since the petitioner can seek other relief as a known, though unrecorded, pre-existing use, a map amendment involving such a small parcel is unnecessary for the petitioner's purposes. It would allow other manufacturing uses which could adversely effect the present residential and business uses, and would further confuse an already cluttered zoning pattern.



MEMORANDUM

January 29, 1970

TO: Boston Redevelopment Authority
FROM: John D. Warner, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Re: Petitions Nos. Z-1755-Z-1756
Margaret E. Fleischnacker
13 & 15 Symphony Road, Boston

Petitioner seeks a Conditional Use Permit, a Forbidden Use Permit and two variances for a change of occupancy from a lodging house to eight apartments and from a one family dwelling to eight apartments in an Apartment (H-3) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
<u>13 Symphony Rd.</u>			
Sect. 8-7	Any dwelling converted for more families meeting one half the requirements for open space, lot area for additional dwelling units and off-street parking is Conditional in an H-3 district.		
<u>15 Symphony Rd.</u>			
Sect. 8-7	Any dwelling converted for more families and not meeting one half the requirements for open space, lot area for additional dwelling units and off-street parking is Forbidden in an H-3 district.		
Sect. 17-1	Usable open space is insufficient	100 sf/du	72 sf/du
Sect. 23-1	Off-street parking is insufficient	3 spaces	0

The property, located on Symphony Road near the intersection of St. Stephen's Street in the Fenway Urban Renewal Area, contains two three story brick structures. The proposed occupancy appears to be existing. Curb parking on Symphony Road is already overcrowded. The petitioner should provide the required off-street parking at nearby facilities. Recommend denial unless parking is provided.

VOTED: That in connection with Petitions Nos. Z-1775-Z-1756, brought by Margaret Fleischnacker, 13-15 Symphony Road, Boston, for a Conditional Use Permit, a Forbidden Use Permit and variances of insufficient open space and off-street parking for a change of occupancy from a lodging house to eight apartments and from a one family dwelling to eight apartments in an Apartment (H-3) district, the Boston Redevelopment Authority recommends denial unless the petitioner supply the required off-street parking at nearby facilities. Curb parking on Symphony Road is already overcrowded.

WESTLAND

PARKING

89,654

STREET

SYMPHONY

ROAD

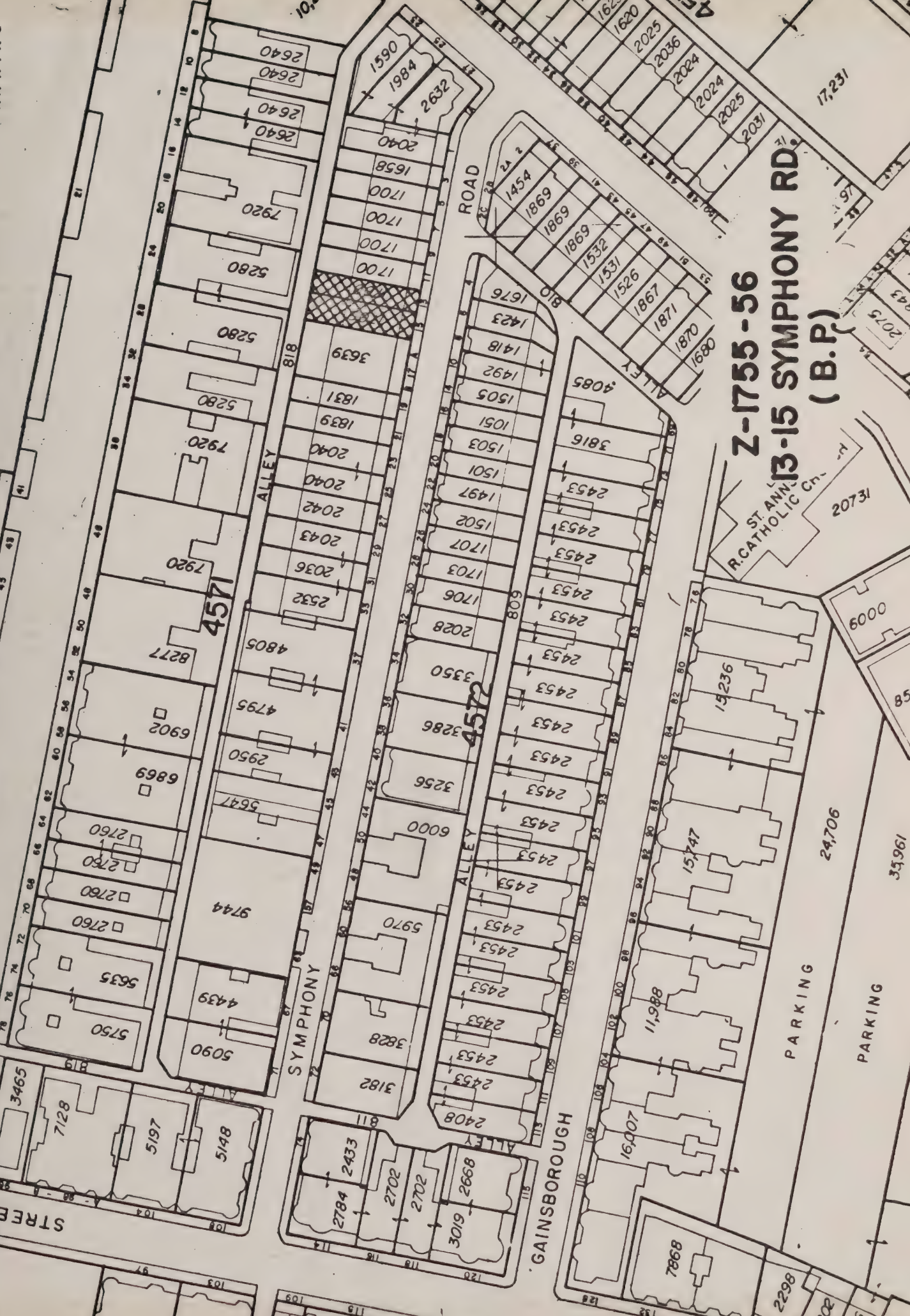
GAINSBOROUGH

R.CATHOLIC CH.
ST. ANN

Z-1755-56
13-15 SYMPHONY RD.
(B.P.)

PARKING

PARKING



Re: Petition No. Z-1758
Kenmore Club, Inc.
533 Commonwealth Ave., Boston

Petitioner seeks a variance to erect an addition to a night club in a General Business (B-4) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 23-2 Off-street parking is not provided	22 spaces	0

The property, located on Commonwealth Avenue at the intersection of Beacon Street in Kenmore Square, contains a two story masonry structure utilized for a night club and offices. The petitioner proposes to extend the mezzanine balcony of the night club approximately twelve (12) feet. The Kenmore Square area is heavily congested with vehicular traffic all hours of the day and evening. The petitioner must provide the required off-street parking. Adjacent parking facilities are existing. Recommend denial unless the required off-street parking is provided.

VOTED: That in connection with Petition No. Z-1758, brought by Kenmore Club Inc., 533 Commonwealth Avenue, Boston, for a variance of off-street parking not provided in a General Business (B-4) district, the Boston Redevelopment Authority recommends denial unless the required off-street parking is provided. The Kenmore Square area is heavily congested with vehicular traffic day and evening.

Re: Petitions Nos. Z-1751-1752
Ellis Memorial & Eldredge House, Inc.
44 & 46 Chandler Street, Boston

Petitioner seeks four variances for a change of occupancy from two three family dwellings to a settlement house and two apartments in an Apartment (H-2) District. The proposal would violate the code as follows:

44 Chandler Street

		<u>Reqd.</u>	<u>Prop.</u>
Sect. 17-1.	Usable open space for apartments is insufficient	150 sf/du	102 sf/du
Sect. 23-2.	Off-street parking is insufficient	17.5 spaces	2 spaces

46 Chandler Street

Sect. 17-1.	Usable open space for apartments is insufficient	150 sf/du	102 sf/du
Sect. 23-2.	Off-street parking is insufficient	17.5 spaces	2 spaces

The property, located on Chandler Street near the intersection of Berkeley Street in the South End Urban Renewal Area, contains two four story brick vacant buildings. The petitioner proposes to combine the two buildings for recreational and meeting rooms and staff residences for the abutting settlement house. The Ellis House is a desirable and functioning institution in the South End and there is no objection to the proposed expansion. Recommend approval.

VOTED: That in connection with Petitions Nos. Z-1751 & 1752, brought by Ellis Memorial and Eldredge House, Inc., 44 & 46 Chandler Street, Boston, for variances of insufficient open space and off-street parking for a change of occupancy from two three family dwellings to a settlement house and two apartments in an Apartment (H-2) District, the Boston Redevelopment Authority recommends approval.

Re: Petition No. Z-1759
Saunders Associates
229 Newbury St., Boston

Petitioner seeks an interpretation of the code and/or a variance concerning an apartment and office building in a General Business (B-4) district. A building permit was issued by the Building Department to the petitioner on June 18, 1969. This permit allowed the petitioner to erect a front yard addition to a first floor real estate office of a four story brick apartment and office structure. The petitioner states the work is now 90% complete. The Building Commissioner subsequently revoked the permit, after a hearing in his office, on December 4, 1969. The Building Commissioner contends the permit was issued in error because the structure is primarily residential and requires a 15 foot front yard. Section 13-4 of the Zoning Code requires that any dwelling in a Business District conform to the dimensional requirements of the nearest residential district, in this case an Apartment (H-5) district, which requires a 15 foot front yard setback. The petitioner contends that the first floor real estate office is independent of the residential second, third and fourth stories of the structure and that the Building Commissioner erred by interpreting the structure as a dwelling requiring a front yard setback and revoking the permit. The staff concurs with the Building Commissioner's revocation of the permit. The primary use of the structure is residential and a front yard setback should be provided. However, in a recent addendum to his appeal the petitioner has indicated that, in any event, he would modify the structure to include design changes as recommended in a plan submitted to the petitioner by the Urban Design staff. Recommend granting of a front yard variance provided the structure is modified to include design changes in accord with the Authority plan.

VOTED: That in connection with Petition No. Z-1759, brought by Saunders Associates, 229 Newbury Street, Boston, for an interpretation of the code and/or a variance concerning an apartment and office structure in a General Business District (B-4), the Boston Redevelopment Authority concurs with the Building Commissioner's revocation of the permit. The primary use of the structure is residential and a front yard setback should be provided. The Authority, however, recommends approval of a front yard variance provided the structure is modified to include design changes in accordance with the Authority plan.

GLOUCESTER

MARLBOROUGH

AIRFIELD

COMMONWEALTH

STREET

229 NEWBURY ST.
(B.P.)

STREET

STREET

AVENUE

AVENUE

20

C-1

